

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CBV, INC.,

*Plaintiff*

v.

C.A. No. 1:21-cv-01456-MN

CHANBOND, LLC,

*Defendant*

and

DIERDRE LEANE and IPNAV, LLC,

*Defendants.*

**PLAINTIFF’S EMERGENCY MOTION FOR EXTENSION OF TIME  
TO RESPOND TO LEANE DEFENDANTS’  
MOTION FOR JUDGMENT ON THE PLEADINGS**

Plaintiff CBV, Inc. (“CBV”), by and through its undersigned counsel, respectfully moves this Court, pursuant to Rule 6(b)(1) for an extension of time for CBV to respond to Defendants Deirdre Leane and IPNAV, LLC’s (collectively, “Leane Defendants”) Motion for Judgment on the Pleadings (the “MJP”) [D.I. 104-107]. In support of this Motion, CBV states the following:

1. On October 15, 2021, CBV filed its Complaint (the “Complaint”) [D.I. 2] against Defendant ChanBond, LLC (“ChanBond”).
2. On December 6, 2021, CBV filed its First Amended Complaint against ChanBond (the “Amended Complaint”) [D.I. 6].
3. On January 27, 2022, ChanBond answered CBV’s Amended Complaint [D.I. 11].
4. On March 15, 2022, CBV filed its Motion for Temporary Restraining Order, Preliminary Injunction, and for Expedited Discovery (the “PI Motion”) [D.I. 18-19]. The PI

Motion is fully briefed and ready to be heard and decided at the convenience of the Court [D.I. 18-19, 48-51, 54, 65, 71-72<sup>1</sup>]. However, no oral argument is currently scheduled on the PI Motion.

5. On March 16, 2022, Leane Defendants intervened in this action [D.I. 25, 28].

6. On March 17, 2022, the Parties to this action stipulated to a temporary restraining order (the “TRO Stipulation”) pending hearing and decision on CBV’s PI Motion [D.I. 30-33]. Pursuant to the TRO Stipulation, Leane Defendants have waived interest on any award stemming from American Arbitration Association Case No. 01-20-0015-0793 (the “Arbitration”) pending hearing and decision on CBV’s PI Motion. As noted above, no oral argument is currently scheduled on the PI Motion.

7. On March 23, 2022, Leane Defendants answered CBV’s Amended Complaint and asserted a Crossclaim against ChanBond and Counterclaims against CBV [D.I. 41-42].

8. On May 24, 2022, Leane Defendants moved for judgment on the pleadings [D.I. 104-107]. Pursuant to District of Delaware Local Rule 7.1.2 (b), CBV’s response to the MJP is currently due on June 7, 2022.

9. Delaware counsel for CBV is currently in a jury trial in the Delaware Superior Court before Judge Mary M. Johnston. This trial is scheduled to conclude on Friday June, 3, 2022. CBV’s out of state counsel will be out of the country on business from May 31, 2022 to June 12, 2022 and largely unavailable.

10. As such, on May 26, 2022, counsel for CBV emailed counsel for Leane Defendants, noting the above-mentioned conflicts, to request a reasonable extension of time to respond to the MJP to June 21, 2022.

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<sup>1</sup> Docket entries 71-72 are Leane Defendants’ Motion for Leave to File a Sur Reply, which is opposed by CBV at D.I. 89, and is also fully briefed and ready to be heard and decided at the convenience of the Court.

11. Leane Defendants refused to grant this extension unless CBV would agree to assume responsibility for any interest that would accrue on Leane Defendants' judgment from the Arbitration. CBV did not agree to assume this interest for which it is not responsible.

12. In response, CBV attempted to accommodate by shortening the proposed extension to June 17, 2022.

13. Leane Defendants, again, refused.

14. On May 27, 2022, the Parties met and conferred pursuant to Local Rule 7.1.1, but were unable to reach agreement.

15. As such, CBV, regrettably, has been forced to come before this Court to request a reasonable extension of time in which to respond to Leane Defendants' MJP.

16. A court may, for good cause, extend the time to file a response to a motion if a request is made before the original time to respond expires. *See* Fed. R. Civ. P. 6(b)(1).

17. The unavoidable conflicts of CBV's Delaware Counsel being engaged in a Superior court jury trial and CBV's out of state counsel being unavailable due to a pre-planned, out-of-country business trip indisputably constitute cause for the brief extension requested by CBV.

18. The brief extension would not cause substantial delay of the proceedings or prejudice Leane Defendants. Leane Defendants purported rationale for refusing the extension is the interest waiver in the TRO Stipulation. However, that interest waiver is tied to hearing and decision on CBV's PI Motion, which is ripe, but not currently scheduled, for hearing before the Court.

19. As a result of the above, Plaintiff respectfully asks this Court to grant a fourteen (14) day extension to the time in which to respond to the MJP.

WHEREFORE, CBV respectfully requests that this Court grant a fourteen (14) day extension of time in which to respond to the MJP.

**BUCHANAN, INGERSOLL & ROONEY PC**

Dated: May 31, 2022

/s/ Geoffrey Grivner

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